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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	2:13-cr-00352-GMN-(PAL)
Plaintiff,)	
)	AMENDED
v.)	<u>STIPULATION TO CONTINUE</u>
)	<u>PRETRIAL MOTIONS DEADLINES,</u>
JOHN ORTEGA,)	<u>CALENDAR CALL, AND TRIAL</u>
)	(First Request)
Defendant.)	
)	

IT IS HEREBY STIPULATED by and between Daniel G. Bogden, United States Attorney, and Amber M. Craig, Assistant United States Attorney, Counsel for the United States of America; and Angela H. Dows, Esq., counsel for JOHN ORTEGA, that the deadline to file:

a. pretrial motions, currently with a deadline of October 19, 2013, with a proposed new deadline of December 19, 2013.

b. calendar call, currently scheduled for November 13, 2013, at 9:00 a.m.; and the trial, currently scheduled for November 19, 2013, at 8:30 a.m., be vacated and continued for sixty (60) days, or to a date and time to be set by this Honorable Court.

This is the first request for a continuance in this case. This Stipulation is entered into based upon the following:

...

1. Counsel requires additional time in order to review the discovery, and evaluate for potential defenses prior to the pretrial motions deadline, and trial. Counsel for Defendant received an initial discovery disclosure in September of 2013 that includes approximately 586 pages of written discovery. Of this disclosure, 192 pages includes multiple entries on each page of telephone log/tap information that will require defense counsel to organize, assess, and subsequently review with the client.
2. Additionally, Defendant JOHN ORTEGA will require translation of an amount of the pertinent discovery into his native language of Spanish. Thus, the continuance will allow for the translation to take place, and anticipated consultation with the client after said translation.
3. The parties also request additional time to negotiate a potential disposition.
4. Counsel for Defendant has conferred with her client, who does not object to the requested continuance.
5. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, specifically 18 U.S.C. §3161(h)(7)(A) and (B)(i), and (iv).
6. Denial of this request for continuance would result in a miscarriage of justice, as additional time is needed by which to review discovery, potentially negotiate a disposition, and effectively and thoroughly research and prepare for trial within the time limits established by 18 U.S.C. §3161, taking into account the exercise of due diligence.

...

...

1 7. For all the above-stated reasons, the ends of justice would best be served by a
2 brief continuance of the pretrial motions deadlines, calendar call, and trial date.

3 DATED this 11th day of October, 2013.

4 DANIEL G. BOGDEN
5 United States Attorney
6 By: /s/ Amber M. Craig
7 AMBER M. CRAIG
8 Assistant United States Attorney
9 Counsel for Plaintiff

 READE & ASSOCIATES
 By: /s/ Angela H. Dows
 ANGELA H. DOWS, ESQ.
 Appointed Counsel for John Ortega

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	2:13-cr-00352-GMN-(PAL)
Plaintiff,)	
)	
v.)	
)	<u>FINDINGS OF FACT, CONCLUSIONS</u>
JOHN ORTEGA,)	<u>OF LAW, AND ORDER THEREON</u>
)	
Defendant.)	
_____)	

FINDINGS OF FACT

Based on the pending Stipulation of the parties, and good cause appearing therefore, the Court finds that:

1. Defendants' counsel require additional time in order to review discovery disclosed to date, translate into Defendant's native language, and evaluate for potential defenses prior to the pretrial motions deadline, and trial.

2. The parties also request additional time to negotiate the disposition of this case.

3. Defendant JOHN ORTEGA does not object to the continuance.

CONCLUSIONS OF LAW

1. The additional time requested by this stipulation is excludable in computing the

1 time within which the trial herein must commence pursuant to the Speedy Trial Act, specifically
 2 18 U.S.C. §3161(h)(7)(A) and (B)(i), and (iv).

3 2. Denial of this request for continuance would result in a miscarriage of justice, as
 4 additional time is needed by which to review discovery, specifically discovery involving
 5 telephone logs, in a case involving charges of Conspiracy to Possess a Controlled Substance with
 6 Intent to Distribute; Possession of a Controlled Substance with Intent to Distribute; Distribution
 7 of a Controlled Substance, and Laundering of Monetary Instruments.

8 3. Denial of this request for continuance would deny the parties herein sufficient
 9 time and the opportunity within which to be able to negotiate a disposition and effectively and
 10 thoroughly research and prepare for trial within the time limits established by 18 U.S.C. §3161,
 11 taking into account the exercise of due diligence. For the above-stated reasons, the ends of
 12 justice would best be served by a continuance, and such continuance outweighs the best interests
 13 of the public and the defendants in a speedy trial.
 14

15 **ORDER**

16 IT IS THEREFORE ORDERED that the parties herein shall have to and including
 17 December 19, 2013, by the hour of 4:00 p.m., within which to file any and all pretrial motions.
 18

19 IT IS FURTHER ORDERED that the calendar call currently scheduled for November 13,
 20 2013 be vacated and continued to February 3, 2014, at the hour of
 21 9:00 a.m.; and the trial currently scheduled for November 19, 2013 be vacated and continued to
 22 February 11, 2014, at the hour of 8:30 a.m.
 23

24 **DATED** this 15th day of October, 2013.

25 
 26 _____
 27 Gloria M. Navarro
 28 United States District Judge